

A  
**DIGEST**  
OF THE  
**STATUTE LAW OF KENTUCKY:**  
BEING A COLLECTION OF ALL THE  
**ACTS OF THE GENERAL ASSEMBLY,**  
OF A PUBLIC AND PERMANENT NATURE,  
FROM THE COMMENCEMENT OF THE GOVERNMENT TO MAY SESSION 1822.  
ALSO, THE  
**English and Virginia Statutes,**  
YET IN FORCE; TOGETHER WITH SEVERAL  
**ACTS OF CONGRESS.**  
WITH REFERENCES TO REPORTS OF  
**JUDICIAL DECISIONS**  
IN THE COURT OF APPEALS OF KENTUCKY AND SUPREME COURT  
OF THE UNITED STATES.

—♦—  
IN TWO VOLUMES.

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BY WILLIAM LITTELL AND JACOB SWIGERT.  
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PUBLISHED UNDER THE PATRONAGE OF THE LEGISLATURE.

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VOLUME I.

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=====

1822.

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Governor to accept of the services of any volunteer company or companies (not exceeding three thousand as aforesaid) who shall tender their services within such time, and for such term, not exceeding six months, as the Governor in his discretion, shall proclaim and appoint. And the Governor shall designate and commission for that purpose, all officers necessary and proper for the command of such volunteers.

Volunteers to  
to receive money  
in advance

Sec. 3. *Be it further enacted*, That all volunteer officers, non-commissioned officers, musicians and privates, whose service may be tendered and accepted under the provisions of this act, shall, at such place or places of rendezvous as the Governor shall appoint within this state, be entitled to receive in advance, the sum of ten dollars, to be taken and considered as a part of their pay.

Forces when  
raised how to  
be disposed of

Sec. 4. *Be it further enacted*, That the forces to be raised and organized, as provided by this act, shall be disposed of according to the discretion of their Governor (that discretion subject only to the requisitions of the general government) and shall be liable to be marched to any place, and engaged in the service of the U. States, as the exigencies of the present war may, in the opinion of the executive, require.

The Governor  
authorized to  
draw money  
from the treasury  
or borrow from  
banks

Sec. 5. *Be it further enacted*, That the governor of this commonwealth, for the purpose of carrying into effect the third section of this act, shall be authorized to draw from the Treasury of this state, any sums of money that may be necessary therefor; or in case of deficiency in the public funds, to borrow from any Bank or individuals, upon the best terms he can obtain such additional sums as may be necessary for the purpose aforesaid.

Sec. 6. *Be it further enacted*, That the powers vested in the Governor by the first and second sections of this act, shall be exercised and carried into effect by him to such extent, and in such a manner and time, as his own discretion and the emergency of public affairs may dictate.

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## CHAP. LXXXIX.

*AN ACT to prevent persons in this Commonwealth from wearing concealed Arms, except in certain cases.*

Approved, February 3, 1813.

Sec. 1. *BE it enacted by the general assembly of the Commonwealth of Kentucky*, That any person in this commonwealth, who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, unless when travelling on a journey, shall be fined in any sum, not less than one hundred dollars; which

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may be recovered in any court having jurisdiction of like sums, by action of debt, or on the presentment of a grand jury—and a prosecutor in such presentment shall not be necessary. One half of such fine shall be to the use of the informer, and the other to the use of this commonwealth.

This act shall commence and be in force, from and after the first day of June.

### CHAP. XC.

#### *AN ACT to amend the Militia Law.*

Approved February 3, 1813.

Sec. 1. **B**E it enacted by the General Assembly of the Commonwealth of Kentucky, That if any non-commissioned officer, musician or private, failing to march, or furnishing an able bodied substitute in his place, when ordered and lawfully called on, or leaving the service without a discharge from the proper officer, shall be considered as a deserter, & treated as followeth, to wit: Any person may apprehend such deserter, and deliver him to the officer commanding such detachment, or any recruiting officer within this commonwealth, and take his receipt for the same; which receipt shall describe the name or such deserter, and the length of time he was to serve, and by whom he was delivered—which receipt shall be assignable; and the reward for taking and so delivering such deserter, as aforesaid, shall be a credit for a tour or tours of duty for the length of time such deserter was bound to serve; and said deserter shall serve out the term of time aforesaid before he shall be discharged, in addition to the time he was to serve, if such term of time is then required; otherwise shall serve said tour or tours, when required so to do. And any person holding such receipt, when he is called on to perform a tour or tours of duty, and producing the same to the captain calling on him, it shall be the duty of said captain to receive the same, and give the owner thereof a credit for as many tours as is therein contained.

Persons failing to perform tour of duty considered a deserter

Sec. 2. And where any delinquent militia-man shall belong to any society who hold a community of property, the sheriff shall call on the agent or superintendent of the common stock, or firm of said society, or compact, for the same; and if he fails to pay the same as before described, the sheriff shall make distress, and sell so much of the property belonging to said stock, as will satisfy the fine, cost, &c. as is before directed.

Sec. 3. *And be it further enacted*, That brigade inspectors and brigade quarter masters, when not taken from the line, shall each be entitled to the rank, pay, and emoluments

Brigade inspectors quarter masters, adjutants and pay masters

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of a major of infantry ; and adjutants, regimental pay-masters, and quarter masters, when not taken from the line, shall each be entitled to the rank, pay, and emoluments of lieutenants of infantry ; and whether taken from the line or not, shall receive the additional pay of ten dollars per month, and for forage for one horse.

Persons who  
may scruple  
to bear arms  
shall furnish  
a substitute

Sec. 4. *And be it further enacted*, That where any non-commissioned officer or private who may conscientiously scruple to bear arms, is legally called on to perform a tour of duty, in the service of this state or the United States, shall perform the same by himself or an able bodied substitute; and, upon failure, the commanding officer of the company shall hire a substitute, and the person failing to perform his tour, shall pay the price said officer may agree to give said substitute, not exceeding one hundred dollars; which sum may be recovered by action of debt, before any court having jurisdiction of like sums.

Oaths

Sec. 5. *And be it further enacted*, That while the militia are either in the actual service of this state or the United States, the several oaths which militia officers are required by law to take, may be administered by any commissioned officer belonging to the same corps.

Former law  
repealed

Sec. 6. *And be it further enacted*, That so much of the militia law, as requires the commandants of companies to lay off their companies into ten classes for an equal routine of duty, shall be and the same is hereby repealed,

Companies  
how to be  
classed

Sec. 7. *And be it further enacted*, That hereafter, when the captains of companies are commanded to detach any number of men from their respective companies for the service of this state or the United States, it shall be the duty of each captain to lay off his company by lot, into as many classes, as the number of men he is ordered to detach ; and the class or classes failing voluntarily to furnish a man, shall determine by lot which man shall do the duty required ; and the man, which each class may voluntarily furnish, and also the man selected by lot, shall be entitled to a credit for as many tours of duty as they may serve. But it is clearly to be understood, that no man shall be called on to perform a tour of duty, who has been drafted on the late six months' expedition, and served his tour by himself or substitute, or has volunteered and served said tour. And whereas, a number of volunteers have served tours of thirty days, or more, either as mounted rifle-men, pack-horse drivers, or guards on the frontiers, and have got a discharge for the same, they nor either of them shall be called on to serve a tour until every other man fit for such service, belonging to their respective companies, shall have served a tour or tours,

Restrictions